



Florida Citrus Packers

A non-profit co-operative association



"Since 1960"

Richard J. Kinney
Executive Vice President

April 7, 2003

Country of Origin Labeling Program
Agricultural Marketing Service
U.S. Department of Agriculture
Stop 0249, Room 2092-S
1400 Independence Avenue SW
Washington, DC 20250-0249

Florida Citrus Packers respectfully requests consideration of comments on behalf of our members regarding USDA's implementation of country of origin labeling requirements under the Farm Security and Rural Investment Act of 2002.

Florida Citrus Packers is a non-profit, voluntary association representing Florida's commercial fresh citrus shippers. Our member companies account for 85% of fresh shipments annually, or approximately 50 million 4/5 bushel cartons of grapefruit, oranges and tangerines.

We are concerned that the final rule incorporates the greatest flexibility thereby assuring least cost yet provides the consumer with "commonly understood designations" to denote country of origin. Toward that end, we offer the following.

Timing – While industry acknowledges and appreciates USDA/AMS staff's due diligence in review of comments to the proposed rule as well as a schedule for hearings, we urge timely publication of the final rule to provide advance notice for industry implementation. We recommend at least 12 months from rule publication to final implementation.

Recordkeeping – Current PACA regulations require 2 years of records which should suffice for legal requirements of COOL. PACA licensees and the records documenting market transactions provide adequate verification of product origin. Again, PACA and its accompanying requirements should suffice for auditable records documenting origin.

Method of Notification – The rule provides for a variety of labeling nomenclature to denote the country of origin. We strongly urge that the final regulation specify compliance if a majority of produce items in a bin or display bear stickers indicating origin. This provision would suffice in lieu of country of origin signage.

In the case where produce may be co-mingled we again stress flexibility, allowing retailer compliance as long as 75% of the product on display are adequately stickered.

Country Name – “Produce of” is not necessary to assure compliance particularly in the case of bulk fruit at retail where space may be limited. More specifically, it should be adequate to meet COOL requirements if boxes, bags, or stickered product indicates “USA” or “US”, as consumers would “commonly understand such designation.”

State Name – We believe it is reasonable to assume that U.S. consumers would readily identify origin if product is labeled by an individual state name. For example, “Florida” grapefruit should meet the requirements as it is reasonable that consumers would understand that product was grown in the U.S.

As regards the issue of equal treatment with offshore trading partners, we would support similar declarations when state or regional nomenclature is commonly understood, whether on stickers or signage.

Inspection & Enforcement – We concur with provisions that COOL inspections should be carried out by states in cooperation with USDA. However, we are concerned that user fees currently supporting produce programs may be diverted for such purposes. Funds, if necessary, for this new program should not come from existing programs, nor from any new user fees.

We appreciate the opportunity to offer comments on this important matter.

Sincerely,

A handwritten signature in black ink that reads "Richard Kinney". The signature is written in a cursive, flowing style.

Richard J. Kinney
Executive Vice President
Florida Citrus Packers